

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ELAINA WISEMAN and
HAROLD RAY BEACHEM, JR., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMMY RENEE WISEMAN-BEACHEM,

Respondent-Appellant.

UNPUBLISHED

September 11, 2008

No. 282293

Wayne Circuit Court

Family Division

LC No. 03-419596-NA

Before: Whitbeck, P.J., and Bandstra and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (i), and (l). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination was established by clear and convincing evidence or in its best interests determination. *In re Trejo*, 462 Mich 341, 353, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Although respondent's parental rights were terminated pursuant to MCL 712A.19b(3)(g), (i), and (l), she challenges only the trial court's finding regarding subsection (g) on appeal. Because only statutory ground need be proven to terminate parental rights, *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000), respondent has conceded the establishment of statutory grounds for termination. Moreover, the trial court did not clearly err relying on subsection (g) as a basis for terminating respondent's parental rights. Respondent contends that petitioner did not provide her with any services regarding the minor child Elaina. Because petitioner requested termination of respondent's rights to Elaina in the initial petition that concerned this child, there was no need to develop and consider a case service plan to reunite the family. MCR 3.977(E); MCL 712A.19b(4). In addition, evidence revealed that respondent was not able to provide the minor children with proper care and custody. Respondent's parental rights to two other children were terminated in a prior proceeding. An issue in that case was respondent's substance abuse, and she was ordered to attend substance abuse treatment. Testimony revealed that the minor child Harold had a positive screen for opiates at his birth, and Elaina was born with narcotics in her system. Respondent's failure to benefit from past services,

and the fact that she exposed two of her children to harmful substances during her pregnancies, support the trial court's finding that there was no reasonable expectation that she would be able to provide proper care and custody within a reasonable time considering the children's ages. MCL 712A.19b(3)(g).

Furthermore, termination of respondent's parental rights was not clearly against the best interests of these children. MCL 712A.19b(5). We acknowledge that respondent loves her children and wanted them returned to her care. We also acknowledge that she was in a treatment program. However, these children needed a permanent, stable, and safe environment in which to live, and testimony revealed that respondent could not provide such an environment for her children. Therefore, the trial court did not clearly err in terminating respondent's parental rights to the minor children.

We affirm.

/s/ William C. Whitbeck

/s/ Richard A. Bandstra

/s/ Pat M. Donofrio